

(SRI V. SRINIVASA SHETTY.)
appointing more Judges in view of the meagre strength of Judges in the High Court and the consequent stagnation in the work resulting in very great hardship to the litigant public?

A.—SRI S. NIJALINGAPPA (Chief Minister).—

Yes.

Vacancies of Judges in Mysore High Court.

Q.—306. SRI G. SIVAPPA (Chitaldrug).—

Will the Government be pleased to state:—

(a) the number of vacancies of Judges in the High Court that are to be filled up;

(b) since what time these posts are vacant;

(c) whether they have sent any recommendations to the Central Government for filling up these posts?

A.—SRI S. NIJALINGAPPA (Chief Minister).—

(a) The High Court of the old Mysore State has ceased to exist from 1st November 1956. The number of Judges for the new High Court has not yet been fixed.

(b) Does not arise.

(c) This cannot be disclosed in public interest.

SRI F. H. MOHSIN.—Is it a fact that at present there is no Judge knowing Urdu?

*SRI S. NIJALINGAPPA.—Notice.

SRI G. DUGGAPPA.—The Government have stated that they have moved the Central Government in the matter. May I know the names that have been recommended?

SRI S. NIJALINGAPPA.—That cannot be given.

SRI G. DUGGAPPA.—Why not this Government give the information?

SRI S. NIJALINGAPPA.—That is because it cannot be given.

MR. SPEAKER.—May I know whether that is of a confidential nature?

SRI S. NIJALINGAPPA.—Yes, Sir.

MR. SPEAKER.—When the Government is unwilling to give a reply it is better for them to state the reason also because it will avoid other supplementaries being put.

SRI G. DUGGAPPA.—May I request the Chair to come to the protection of the members and ask the Treasury Bench to give information? As this is a matter of public interest, may I request the Chair to ask the Chief Minister to give as much information as is possible?

MR. SPEAKER.—The point is, when a reply given is of a negative character I cannot help it. Supposing the Government were to deny that they cannot give reply to such and such a question; I can only ask the Government as to why it cannot be given. I just now asked the Hon'ble the Chief Minister to state as to why he is not willing to reply. He says it is of a confidential nature. When the question is of a confidential nature, neither I nor the members have any right to compel the Government in the matter.

SRI G. DUGGAPPA.—Whether it is not a fact that the recommendations of the Government to the Central Government in the matter of appointment of Judges is not in accordance with the recommendations of the Chief Justice of the High Court of Mysore.

SRI S. NIJALINGAPPA.—I have already stated that it is of a confidential nature.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ನಮ್ಮ ಸಂಸ್ಥಾನ (ಬಿ) ಸ್ಟೇಟ್ ಆಗಿದ್ದಾಗ, ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಎಷ್ಟು ಜನ ಜಡ್ಜಿಗಳಿದ್ದರು?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಅರು ಜನರಿದ್ದರು.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಈಗ ಎಷ್ಟು ಜನ ರಿರಬೇಕಾಗುತ್ತದೆ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಎಷ್ಟು ಜನರಿರಬೇಕೆಂಬುದನ್ನು ಪ್ರೆಸಿಡೆಂಟರು ನಿರ್ಣಯಿಸಬೇಕು.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಇನ್ನೂ ನಿರ್ಣಯ ವಾಗಲಿಲ್ಲವೇ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಅಗಿರಬಹುದು.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಬೆಂಚಿನಿಂದ ಎಷ್ಟು ಜನರು, ಬಾರ್‌ನಿಂದ ಎಷ್ಟು ಜನರನ್ನು ತೆಗೆದು ಕೊಳ್ಳುತ್ತಾರೆ?

MR. SPEAKER.—That is all irrelevant. I have given you a chance. You may put only one question.

SRI B. K. PUTTARAMIAH.—Then my purpose would not be served.

Mr. SPEAKER.—Hon'ble Member is a new person to this House. We have to transact so many other items of business. I cannot act according to the wishes of one member. If I have to do that it would be quite impossible for me to transact business. I am afraid I am a little bit liberal, but at the same time I do not want to be as hard as I am required to be.

ಶ್ರೀ ಜಿ ಶಿವಪ್ಪ.—(c) ಪ್ರಶ್ನೆಗೆ ಉತ್ತರದಲ್ಲಿ "This cannot be disclosed in public interest" ಎಂದು ಹೇಳಿದಿರಿ. At least may I know if there are some vacancies to be filled up?

Sri S. NIJALINGAPPA.—The number of vacancies are decided when the number of Judges to be appointed is fixed.

Sri G. SIVAPPA.—May I know since when these vacancies are existing?

Sri S. NIJALINGAPPA.—Since the new State came into existence.

Sri G. SIVAPPA.—May I know if there is any recommendation from the State Government to the Central Government?

Sri S. NIJALINGAPPA.—Necessary action is being taken.

Sri G. SIVAPPA.—Is it not a fact that due to the delay on the part of the State Government the vacancies have not been filled up?

(No answer.)

Sri K. S. SURYANARAYANA RAO.—Is the delay in making appointments due to the time taken for the transmission of recommendation of this Government, or the President not taking up this question all this time?

Sri S. NIJALINGAPPA.—Cannot be stated.

Sri V. P. DEENADAYALU NAIDU.—May I know the cause for the delay?

Mr. SPEAKER.—There is no delay.

Sri V. P. DEENADAYALU NAIDU.—Was the High Court consulted while making recommendations?

Sri S. NIJALINGAPPA.—All necessary steps have been taken.

Sri A. BHEEMAPPA NAIK.—The Government say that it is not in the interest of the public to give information. Can members insist on answers being given?

Mr. SPEAKER.—I quite agree.

L.A.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಈ ಶ್ರೇಷ್ಠ ನ್ಯಾಯಸ್ಥಾನಕ್ಕೆ ಎಷ್ಟು ಜನ ನ್ಯಾಯಾಧೀಶರನ್ನು ನೇಮಕ ಮಾಡಬಹುದೆಂದು ಸರ್ಕಾರದವರು ತಿಳಿಸುವರು ಮಾಡಿದ್ದಾರೆ?

ಶ್ರೀ ಎಸ್ ನಿಜಲಿಂಗಪ್ಪ.—ಅದನ್ನು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದೇನೆ.

Sri F. H. MOHSIN.—Is the Government in a position at least to give information as to whether they have recommended the name of any member knowing Urdu?

Sri S. NIJALINGAPPA.—I have already stated that the matter is of a confidential nature. So far as the Government is concerned, it is a delicate matter and I cannot give answers to these questions.

Sri K. PUTTASWAMY.—The Government is refusing to answer the questions on the ground that it is of a confidential nature. Now it is up to the Speaker to decide whether answers to supplementaries would be of a confidential nature. I think to answer the question 'what is the number you have recommended for appointment' cannot be of a confidential nature.

Mr. SPEAKER.—I have been repeatedly saying that when the Government or the Minister says that a reply cannot be given because it is of a confidential nature, I have no powers to ask as to why it is of a confidential nature. In this regard I would ask the member to read May's 'Parliamentary Procedure'. If the Hon'ble Member is interested in reading it, I will ask the Secretary to supply him the necessary information.

Sri A. V. NARASIMHA REDDY.—Sir, the Government has been giving contradictory information while answering supplementaries. To a supplementary, the Chief Minister was pleased to say that certain vacancies in the High Court required to be filled up from 1st November were still vacant. To another supplementary, he stated that no delay had been caused in filling up the vacancies. I would like to know which of the positions he would like to take.

Sri S. NIJALINGAPPA.—Both are correct. The vacancies have been there.

Sri A. V. NARASIMHA REDDY.—So far as the appointment of Judges to these vacancies is concerned, you say

(SRI A. V. NARASIMHA REDDY.)

there is no delay. I would like to know which information is correct.

Mr. SPEAKER.—A reply has been given. The Hon'ble Member may judge on the reply and make his own inference. So far as the Government is concerned, they say, there is no inconsistency in the reply.

SRI ANNA RAO GANAMUKHI.—May I know whether it is in the discretion of the Government to say 'yes' or 'no' to any question in the interest of public or whether it is permissible or open to the Speaker to decide whether a question or the answer is in the public interest or not.

Mr. SPEAKER.—I am sorry I have to deal with the whole position. I would like to see that the office issues a note in this respect. So far as I can give information, when a question is asked, the Government may give a reply: If the reply is incorrect, I can ask the Government and point out to them that it is incorrect and it may be corrected, if there is any inconsistency. If the Government were to say that they cannot give a reply, I cannot compel the Government to give a reply. The Hon'ble Member Sri Anna Rao will agree that I have to be guided by rules. I cannot in any way take the wishes of the House as granted because I have to be guided by the rules. If the Government were to keep silent and do not want to give a reply, I cannot compel them to give a reply. If they give an inconsistent reply or incorrect reply which is obvious on the face of it, I can compel the Government to give a proper reply. There is another point. If the Government were to say that it is of a confidential nature, I have no power to compel them to give the information.

SRI ANNA RAO GANAMUKHI.—The question just now is, if the reply or the information required is not of a confidential nature but still it is persisted that it is of a confidential nature, then is it open to the Speaker to give his decision or not.

Mr. SPEAKER.—I have been saying that I have no power to judge whether

it is of a confidential nature or not. I desire to refer the Hon'ble Members in this respect to May's 'Parliamentary Procedure.' This point was some time back discussed in the former Bombay Legislative Assembly. At that time, I was myself presiding. We went through the whole question and the Chair came to the conclusion that it had no power when the Government replied that it was of a confidential nature. Therefore, I cannot compel the Government at all to give the information. I think that is the end of the matter. Now question time is over.

Member's Representation.

SRI A. V. NARASIMHA REDDY (Bangalore South).—I have to represent something to the Chair. On page 13 of the Rules of Procedure of this House, Rule 38 lays down like this:—

"Where the form or the subject matter of a question is, in the opinion of the Speaker, in contravention of the rules, he may amend the question to secure its compliance with the rules and inform the member concerned accordingly."

Rule 37 reads like this:

"The Speaker, at the request of a Minister, may direct that an answer to a question which has been called may be given on the ground of public interest, even though the question is not put or the member in whose name it stands is absent."

There is another Rule 36, which runs like this:

"The Minister or non-official member to whom a supplementary question is addressed may decline to answer it without notice, in which case, the supplementary question may be put only in the form of a fresh question at a subsequent session of the Assembly."

Mr. SPEAKER.—I do not know what purpose is served by reading all this.